

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

DETERMINATION OF NEPA ADEQUACY (DNA)

*Black Diamond Mine Fire Excavation Abatement Project Temporary
Access and Trail Realignment*
DOI-BLM-CO-N05-2015-0088-DNA

Identifying Information

Project Title: Black Diamond Mine Fire Excavation Abatement Project Temporary Access and Trail Realignment

Legal Description: Sixth Principal Meridian
T. 1 N., R. 94 W.
Section 10, SWSE, E1/2SW
Section 15, Lot 1, N1/2NE;

Applicant: Colorado Division of Reclamation Mining and Safety (CDRMS)

Casefile/Project Number: COC77025 (Short-term ROW for temporary access road and staging area)

Issues and Concerns

The BLM approved a temporary access route and staging area needed for the Black Diamond Mine fire excavation abatement project on May 15, 2015. However, during the contractors' site bid tour with the Colorado Division of Reclamation, Mining and Safety (CDRMS), it was determined the southernmost portion of the access would not be feasible for construction of the temporary access and would require realignment of the temporary access to the Black Diamond Mine coal seam fire. The northern portion of the temporary access could be used or realigned (Figures 1 and 2).

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

Date Approved: July 1997

Decision Language: “Manage fire to protect public health, safety and property as well as allowing fire to carry out important ecological functions.” (page 2-55)

Proposed Action

Project Components and General Schedule

The CDRMS proposes to shift the southern portion of the temporary access for the Black Diamond Mine coal seam fire abatement project to a more eastern route (Figures 1 and 2). Access would average approximately 15 feet in width. Overall length of the proposed alternate route would be shortened by approximately 0.4 miles (0.75 acres) and the length of BLM access (Figure 2) would remain the same. The access is the only proposed change of the approved project. As approved, a surface pipeline would be installed adjacent to the constructed access from the staging area to private land above the surface expression of the seam fire. Once on private land a surge tank could be set up and the pipeline installed cross country to the work area.

A portion of the Meeker Trails Master Plan Trail 1 would also be shifted slightly to coincide with the proposed temporary access route change (Figures 1 and 2). The proposed realignment project could increase the length of coincident alignment of the trail and temporary access from approximately 0.5 mile to 0.7 miles if the northern portion of the temporary access coincides with Trail 1 (Figure 2). The amount trail access overlap would remain at approximately 0.5 miles if both of the proposed realignments are used.

Estimated construction dates would be September through December, 2015, including all access development, re-contouring, weed spraying, seeding, and any other items relevant to project work.

Design Features

See Appendix B Design Feature and Mitigation from DOI-BLM-CO-N05-2015-0038-EA.

Review of Existing NEPA Documents

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: DOI-BLM-CO-N05-2015-0038-EA Temporary Access and Staging Area for the Black Diamond Mine Fire Excavation Abatement Project

Date Approved: 5/15/2015

Name of Document: DOI-BLM-CO-N05-2014-0116-EA Meeker Trails Master Plan

Date Approved: 3/4/2015

NEPA Adequacy Criteria

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the

project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

The shifted portion of the temporary access in the Proposed Action would be approximately 0.1 of a mile east and south from the original route (Figure 2) in similar physiography and vegetation as previously analyzed. Overall length of the temporary access would be reduced by approximately 0.5 to 0.6 miles equating to approximately 0.4 acres less of short term surface disturbance. Construction, maintenance, and reclamation would be the same as analyzed in DOI-BLM-CO-N05-2015-0038-EA.

The shift in Trail 1 is within less than 0.02 miles (approximately 100 feet) of the alignment of Trail 1 analyzed the Meeker Trails Master Plan DOI-BLM-CO-N05-2014-0116-EA. There would be little to no change in the total length of the trails analyzed in DOI-BLM-CO-N05-2014-0116-EA.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Both EA's analyzed two alternatives: the Proposed Action and a No Action Alternative.

The range of alternatives of the existing NEPA documents remain appropriate for the new Proposed Action due to near proximity of the shift in alignments to the existing NEPA documents and the little to no change in the affected area as mentioned above.

In general, the Proposed Action for DOI-BLM-CO-N05-2014-0116-EA considered the construction and maintenance of 11.77 miles of pedestrian and bicycle trails with a short term disturbance 11.18 acres and a long term disturbance of 2.8 acres.

DOI-BLM-CO-N05-2015-0038-EA considered the construction, maintenance, and reclamation of approximately 1.5 miles of temporary access and with a short term surface disturbance of approximately 3 acres with no acres of long term disturbance.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Both projects were approved within the last five months. Within the project area, there has been no change in rangeland health standard assessments, no new listing of endangered species, and no updates of BLM sensitive species since approval of DOI-BLM-CO-N05-2014-0116-EA and DOI-BLM-CO-N05-2015-0038-EA.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The Proposed Action is a realignment of the access route and does not change the methodology used for the construction, maintenance, or reclamation. Project activity would occur according to the timeframe and mitigations of the existing NEPA documents. Implementation of the Proposed Action would result in a net reduction of approximately 0.4 acres of short term disturbance in similar physiography and vegetation as analyzed in the existing NEPA documentation. There would be no change in the direct, indirect, and cumulative effects.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

External scoping for DOI-BLM-CO-N05-2014-0116-EA was conducted by posting the project on the WRFO's on-line National Environmental Policy Act (NEPA) register. A press release was sent out the week of 9/8/2014 and an article was published in the 9/11/2014 edition of the Herald Times newspaper asking for public input and comment about the project to be received by 10/7/2014. A public scoping meeting was held 9/18/2014 and was attended by two ERBM Board of Directors members, two BLM staff members, and three members of the public. There were ten scoping comment letters received. Six letters were received from members of the public and all of these letters supported some form of implementation of the project. Four letters were received from agencies or organized groups. Colorado Parks and Wildlife's (CPW) comment letter recommended that dogs be required to be leashed and large special events not take place from January 1 to April 15 of each year to minimize impacts on mule deer when using critical winter range. CPW also felt that Alternative B was the better of the two alternatives and recommended that only one trail be constructed each year to minimize the amount of trail building equipment in the area. The Meeker Chamber of Commerce and Town of Meeker both fully supported the expansion of the existing trail system welcoming this potential opportunity to bring new visitors to the area, benefit local residents, and enhance the Meeker area economy. The Wilderness Society's comment letter supported the overall project so long as impacts to all other resource values are mitigated or avoided.

External scoping for DOI-BLM-CO-N05-2015-0038-EA was conducted by posting the project on the WRFO's on-line ePlanning National Environmental Policy Act (NEPA) register on 2/5/2015. A press release was issued on 4/20/2015 informing the public of a 14-day public review and comment period of the EA and the unsigned Finding of No Significant Impact (FONSI). One individual responded to the BLM commenting on incorporating the temporary access into the Meeker Trails Master Plan.

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 7/7/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	7/20/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	7/17/2015
Matthew Dupire	Ecologist	Special Status Plant Species	8/18/2015
Paul Daggett	Mining Engineer	Project Lead	8/26/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	8/28/2015

Cultural Resources: There are no known historic properties within the project area that would be adversely affected by the proposed action. Cultural resources were adequately addressed in the original environmental assessment (DOI-BLM-CO-N05-2015-0038-EA) and no additional fieldwork is required for the proposed action.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. Impacts to terrestrial and aquatic wildlife were adequately addressed and analyzed in the original environmental assessment (DOI-BLM-CO-N05-2015-0038-EA). The project area is located in mule deer severe winter range, a specialized component of winter range that supports virtually an entire herd during the most extreme conditions (snow depth, temperature, etc.). Applicant Committed Design Features (item 28) includes timing restrictions of construction activities from December 1 through April 30 to avoid disturbance to big game during the critical winter use period.

Threatened and Endangered Plant Species: There are no threatened, endangered, or BLM sensitive plant species or special status plant habitat in the project area. There will be no impacts to special status plants as a result of the Proposed Action.

Mitigation

No additional mitigation has been identified.

Tribes, Individuals, Organizations, or Agencies Consulted

Consultation letters and contact was made with the Eastern Shoshone Tribe of the Wind River Reservation, Ute Indian Tribe of the Uintah and Ouray Reservation, the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe for the original environmental assessment (DOI-BLM-CO-N05-2015-0038-EA). No tribal concerns were identified in the project area.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

Theresa E. Walter

Field Manager

08/31/15
Date

Appendix A. Figures

Figure 1

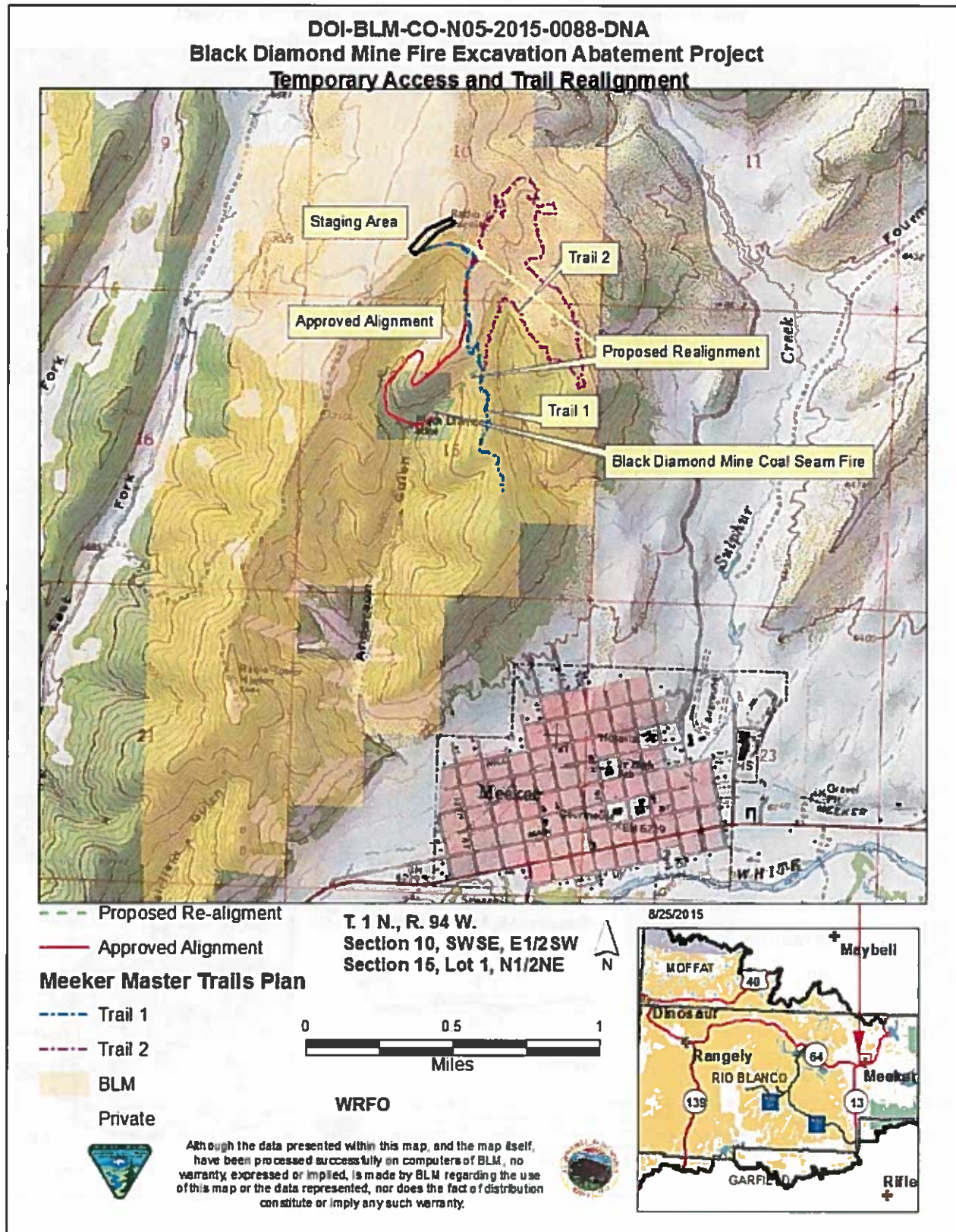
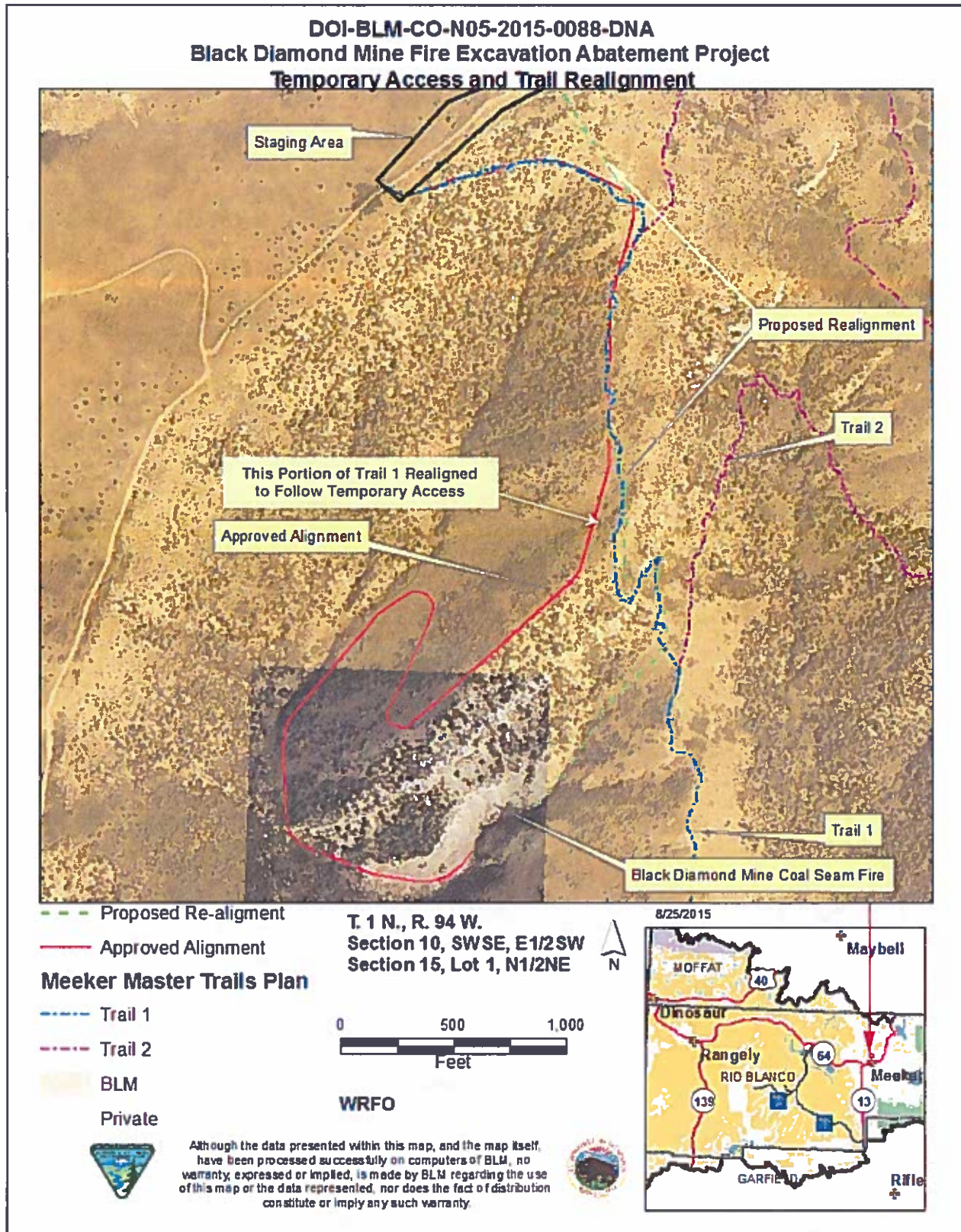


Figure 2



Applicant Committed Design Features

Sediment Controls:

1. DRMS includes sediment and erosion controls as a pay item in all construction bids. Sediment controls would be implemented in all areas along the access road and construction areas to limit or eliminate sediment run-off and erosion throughout the duration of reclamation activities and post reclamation revegetation.
 - a. ***Temporary Sediment Controls:***
 - i. *Ertec S-Fence (14")*: along road cut margins, steep slope areas, and areas devoid of vegetation. It is used in place of traditional silt fence.
 - ii. *Straw Wattles*: All straw Wattles would be certified Weed Free. Straw wattles would be placed where appropriate, likely along contour in steep slope graded areas, margins of the road following reclamation, and along the base of soil stockpiles.
 - iii. *Water Bars*: Water bars would be utilized where possible along the access road to shed water away from and reduce erosion and maintenance needs of the road.
 - iv. *Swales*: Swales would be utilized where necessary to shed water away from soil stockpiles and delicate portions of the access road.
 - b. ***Permanent Sediment Controls:***
 - i. *Surface Roughening*: The surface of all disturbed areas would be severely roughened using the bucket of the excavator. Surface roughening, utilized in conjunction with re-vegetation methods (seeding and crimping of straw mulch) is an efficient method for establishing vegetation microclimates, and collecting sediment and surface water run-off. Following completion of surface roughening, the site is difficult to walk on, with ridges and valleys one to two feet deep. The access road would be roughened, with the exception of the existing two-track areas (unless otherwise directed by the BLM), and the portions of the road that would become trail following project completion.
 - ii. *Rip-Rap*: Rip-rap would be utilized in a few small areas to enhance the final grade and create fire line breaks near the surface expression of the fire (private land). Large boulders may also be utilized within graded areas to create a secure, varying landscape. Rip-rap would not be widely utilized for this project. All rock would be obtained within the project area.

Fire Prevention:

2. This project would have the potential to ignite surface fuels, due to the excavation of burning materials. To prevent surface fires, all excavated coal and surrounding rock, with a surface temperature greater than 100 degrees Fahrenheit (F), would be quenched with a firefighting foam/water mixture. Excavated rock and coal would be cooled to less than 100 degrees F prior to backfill and final grading of excavated and quenched materials. Additionally, all construction crews would have, at a minimum, two five pound Class A fire extinguishers. Additionally, each crew member would be supplied with one sharpened round nosed shovel. These items would be immediately available to the crew

members for use should an uncontrolled ignition occur. The BLM and Meeker Fire Response Teams would have access to the site and road throughout the duration of construction.

3. When working on lands administered by the BLM WRFO, notify Craig Interagency Dispatch (970-826-5037) in the event of any fire.
 - a. The reporting party would inform the dispatch center of fire location, size, status, smoke color, aspect, fuel type, and provide their contact information.

Access Road Reclamation:

4. DRMS would work with the BLM to determine which portions of the road would be reclaimed following completion of the project in order to help facilitate proposed BLM trail making efforts. All new road construction would be removed, and the road surface would be returned to its pre-disturbance grade utilizing the permanent and temporary sediment controls outlined above. The road would be graded, roughened, and revegetated using a site specific, BLM approved seed mix. Topsoil stockpiled during road construction would be placed for the final revegetation surface. Revegetation methods would include surface roughening, amendment application of compost and/or organic fertilizer, seeding with a site specific seed mix, recommended by the BLM, and application of two tons per acre of certified weed free straw mulch, crimped into the surface. A cover crop of sterile barley or wheat would likely be seeded to provide ground cover and provide competition for noxious weed species during vegetation establishment. DRMS is amenable to establishing the trail dimensions and grade, where applicable, and to be determined by the BLM.

Monitoring and Maintenance:

5. Monitoring of final grade and revegetation effectiveness would occur in the spring of 2016, and continue until the site is deemed stable. Weed control would occur, where necessary, along the access road disturbance. Weed control would be contracted, by DRMS, to a BLM approved weed control contractor. DRMS would complete the necessary maintenance on the access road disturbance until the site is stable and sustainable.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

6. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
7. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under

guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

8. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
9. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
10. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Mitigation Measures

Soil Resources

11. Given the temporary nature of the road, the backslope grade should be as steep as the soil material would permit. A backslope of ½:1 to ¾:1 should be adequate.

Hydrology

12. Earthwork Design: When feasible, a balanced road design is encouraged. Refer to BLM's Primitive Road Design Handbook (H-9115-1).
13. In order to divert water from road surface, the incorporation of grade dips should be utilized to prevent pooling and rilling on the road surface. Dip spacing is dependent on road grade and should comply with the BLM's Primitive Road Design Handbook (H-9115-1) with spacing approximately every 300 feet.

Vegetation

14. For reclamation of disturbed areas BLM recommends the following seed mix:

Cultivar	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
Arriba	Western Wheatgrass	<i>Pascopyrum smithii</i>	4
Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	3.5
Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i> ssp. <i>inermis</i>	4
Lodorm	Green Needlegrass	<i>Nassella viridula</i>	2.5
See alternate*	Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	1.5

*Arrowleaf Balsamorhiza (*Balsamorhiza sagittata*) may be substituted for the Sulphur Flower Buckwheat

15. If straw is used to mulch reclaimed areas it must be certified weed-free and special attention should be paid to watch for and treat any weed species, especially jointed goatgrass (*Aegilops cylindrica*) that might have been introduced with the straw. Because of recent accidental introductions of jointed goatgrass with the use of straw mulch during reclamation activities, the BLM recommends using a different mulch product such as woodstraw or mulching with chipped material removed during route construction.
16. After recontouring, seedbed preparation and seeding, stockpiled woody material should be scattered across the reclaimed area where the material originated. Chipped material should be scattered across reclaimed areas in a manner that avoids developing a thick mulch layer that would suppress growth of desirable vegetation.
17. Trees or shrubs that must be removed for access route construction must be cut down or masticated to a stump height of six inches or less prior to other heavy equipment operation. Woody materials required for reclamation would be stockpiled and stored separately from stockpiled topsoil and may be positioned along the margins of the access route. Smaller limbs and trees may be chipped and stockpiled if needed for reclamation or may be placed back on the reclaimed surface whole. Boles, limbs, and other large woody material should be retained for redistribution not to exceed 30 to 40 percent total ground cover.
18. To be deemed successful, reclamation of the access route must result in a self-sustaining plant community of at least five desirable plant species where no one species exceeds 70 percent relative cover. Desired foliar cover, bare ground, and shrub and/or forb density must have 80 percent similarity in relation to the identified range site in an early-seral (herbaceous) condition.
19. Reclaimed areas must be free of noxious and undesirable invasive weeds, construction debris, and trash.
20. Soils must be stabilized to a point where there is no evidence of excessive erosion such as slope or soil instability, subsidence, or slumping on any of the reclaimed access route (as compared to the range site description).
21. All equipment that may act as a vector for weeds would be cleaned before entering the WRFO.

Invasive, Non-Native Species

22. Application of herbicides must comply with the *Vegetation Treatments on Bureau of Land Management Lands in 17 Western States Programmatic Environments Impact*

Statement (EIS), and the WRFO Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA).

23. All seed, straw, mulch, or other vegetative material to be used on BLM and split-estate lands will comply with United States Department of Agriculture (USDA) state noxious weed seed requirements and must be certified by a qualified Federal, State, or county office as free of noxious weeds. Any seed lot with test results showing presence of State of Colorado A or B list species will be rejected in its entirety and a new tested lot will be used instead.
24. All areas identified to be disturbed under this proposal will be monitored and treated for noxious weeds on an annual basis until final reclamation has been approved by the Authorized Officer.
25. Pesticide Use Proposals (PUPs) must be submitted to and approved by the BLM before applying herbicides on BLM lands. The PUP will include target weed species, the herbicides to be used, application rates and timeframes, estimated acres to be treated, as well as maps depicting the areas to be treated and known locations of weeds. The WRFO recommends that all PUPs be submitted no later than March 1st of the year anticipating herbicide application.
26. Pesticide Application Reports (PAR) will be provided to the BLM annually, usually in the fall at the end of annual weed treatment. The PAR will include operator name, PUP number, applicator name(s), application date, timeframe of application, location of application, type of equipment used, pesticide used including manufacturer and trade name, formulation, application rate in terms of active ingredient per acre, acres treated, primary species treated, stage of plant development, and weather conditions during treatment.

Wildlife

27. Construction activities associated with the Proposed Action (i.e., road construction, fire abatement activities etc.) will be conducted outside the migratory bird nesting season of May 15 through July 15.
28. Construction activities will not be allowed from December 1 Through April 30 to avoid disturbance to big game during the critical winter use period.
29. A raptor survey will be conducted by WRFO wildlife staff the breeding season prior to road construction. If an active nest is located, no construction activities will be permitted within 0.25 miles (400 meters) of the nest from February 1 through August 15 or until young have fledged. Construction activities will be allowed from August 16 through January 31. Should a nest be located along or in close proximity (50 meters) to the proposed road, a re-route of the road may be necessary.

Access and Transportation

30. DRMS will perform road maintenance on BLM Road 1602A and a short portion of BLM Road 1603 after the project has been completed in order to return these roads to their former condition.
31. Use of BLM Roads 1602A and 1603 shall cease when soils or roads surfaces become saturated to a depth of three inches unless approved by the Authorized Officer.

Hazardous or Solid Wastes

32. Comply with all Federal, State and/or local laws, rules and regulations addressing the emission of and/or the handling, use, and release of any substance that poses a risk of

- harm to human health or the environment. All spills or leakages of oil, gas, produced water, toxic liquids or waste materials, blowouts, fires, shall be reported by the operator in accordance with the regulations and as prescribed in applicable orders or notices.
33. Where required by law or regulation to develop a plan for the prevention of releases or the recovery of a release of any substance that poses a risk of harm to human health or the environment, provide a current copy of said plan to the BLM WRFO.
 34. All substances that pose a risk of harm to human health or the environment shall be stored in appropriate containers. Fluids that pose a risk of harm to human health or the environment, including but not limited to produced water, shall be stored in appropriate containers and in secondary containment systems at 110 percent of the largest vessel's capacity. Secondary fluid containment systems, including but not limited to tank batteries shall be lined with a minimum 24 mil impermeable liner.
 35. Construction sites and all facilities shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
 36. As a reasonable and prudent lessee, acting in good faith, all lessees and right-of-way holders will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the BLM WRFO (970) 878-3800.
 37. As a reasonable and prudent right-of-way holder, acting in good faith, all lessees and right-of-way holders will provide for the immediate clean-up and testing of air, water (surface and/or ground) and soils contaminated by the emission or release of any substance that may pose a risk of harm to human health or the environment, regardless of that substance's status as exempt or non-exempt. Where the lessee/operator or right-of-way holder fails, refuses or neglects to provide for the immediate clean-up and testing of air, water (surface and/or ground) and soils contaminated by the emission or release of any quantity of a substance that poses a risk of harm to human health or the environment, the BLM WRFO may take measures to clean-up and test air, water (surface and/or ground) and soils at the lessee/operator's expense. Such action will not relieve the lessee/operator of any liability or responsibility.

General

38. The BLM Mining Engineer, Paul Daggett will be notified via email or phone (pdaggett@blm.gov, 970-878-3819) 24 hours prior to contractor onsite and subsequent commencement of activities.

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

DECISION RECORD

Black Diamond Mine Fire Excavation Abatement Project Temporary Access Realignment

DOI-BLM-CO-N05-2015-0088-DNA

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0088-DNA, authorizing the realignment of the proposed access route from the staging area to the Black Diamond Mine coal seam fire with all of the Applicant Committee Design Features.

The CDRMS would have the option to use either the original approved alignment or one or both of the proposed realignments (Figures 1 and 2).

Applicant Committed Design Features

See Appendix B.

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

Environmental Analysis and Finding of No Significant Impact

The Proposed Action was analyzed in DOI-BLM-N05-2014-0116-EA and DOI-BLM-N05-2015-0038-EA and it was found to have no significant impacts, thus an EIS is not required.

Public Involvement

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on 7/9/2015. As of 8/26/2015 no comments or inquiries have been received.

Rationale

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health. The Proposed Action would have similar short term adverse impacts to soil, hydrology, vegetation, and recreation as analyzed in DOI-BLM-N05-2014-0116-EA and DOI-BLM-N05-2015-0038-EA. Beneficial impacts of implementing the Proposed Action would remain the same described in DOI-BLM-N05-2015-

0038-EA. In addition there would be a reduction in the area of temporary disturbance of approximately 0.75 acres.

Monitoring and Compliance

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The applicant will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Administrative Remedies

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

Signature of Authorized Official



Field Manager



Date